In the High Court of Judicature at Madras

Dated:06.11.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

and

The Hon'ble Mr. Justice S. TAMILVANAN

Writ Petition Nos.5, 546, 2323, 7751, 16898, 16941, 20514, of 2003, 18197 and 22689 of 2004

W.P.5 of 2003

Sri Balaji Educational and
Charitable Public Trust
rep by its Chairman M.K. Rajagopalan
3A, 3rd Floor, Jai Durga Complex
38/2 1st Avenue, Ashok Nagar,
Chennai-600 083. ... Petitioner

Vs

1. The Government of Pondicherry
rep by its Secretary (Education) Chief Secretariat,
Pondicherry.

2. The Secretary to Government of
Pondicherry, Health Department,
Chief Secretariat, Pondicherry

3. The Convenor CENTAC/
Convenor JET 2002 Pondicherry Engineering College,
Pondicherry.

4. The Secretary,
Medical Counsel of India, Kotala Road,
New Delhi.

5. The Secretary
Ministry of Health &
Family Welfare Nirman Bahvan,
New Delhi.11 ... Respondents

R4 , R5 Impleaded as per order of this Court
dated 30.9.03 in WPMP 33628/03.

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PRAYER:- Petition under Article 226 of the Constitution of India to issue a writ of declaration declaring Pondicherry unaided professional colleges (Admission of Students and Fixation of Fees) Regulations 2002 framed under G.O.Ms.No.123, Chief Secretariat, (Education) Pondicherry dated 31.12.2002 is unconstitutional illegal contrary to the Principles laid down by the Supreme Court in the Judgment reported in 2002 (8) SCALE P-1 arbitrary unenforceable void abinitio and non-est in the eye of law in so far as the professional Colleges of the petitioner are concerned.

W.P.No.546/2003

Thirumuruga Kirupananda Variar thavathiru Sundara
Swamigal Medical Educational
and Charitable Trust
Sankari Main Road, Ariyanoor,
Salem, rep by its Vice Chairman
Dr. A.S . Ganesan ... Petitioner

Vs

1. The Union of india rep
by the Union Territory of Pondicherry
rep by its Secretary
(Education) Chief Secretariat,
Pondicherry.

2. The Secretary to Government of
Pondicherry, Health Department,
Chief Secretariat, Pondicherry

3. The Convenor CENTAC/
Convenor JET 2002
Pondicherry Engineering College,
Pondicherry.

4. The Secretary,
Medical Counsel of India, Kotla Road,
New Delhi.

5. The Secretary
Ministry of Health &
Family Welfare Nirman Bahvan,
New Delhi.

R4 , R5 Impleaded as per order of this Court
dated 30.9.03 in WPMP 33629/03. ... Respondents

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PRAYER:- Petition under Article 226 of the Constitution of India to issue a writ of declaration declaring that Pondicherry unaided professional colleges (Admission of Students and Fixation of Fees) Regulations 2002 framed udner G.O.Ms.No.123, Chief Secretariat, (Eeucation) Pondicherry dated 31.12.2002 is unconstitutional illegal contrary to the 11 Judges constitution Bench Judgment of the Honourable Supreme Court in T.M.A. Pai Foundation case etc ultravires and unenforceable in so far as the professional colleges run by the Petitioner.

WP.No.2323 of 2003:

Pondicherry Institute of Medical
Science, Ganapathy Chettikulam
Kalapet, Pondicherry 14
rep. by the Chairman
Mr. K.G. George. .. Petitioner

vs.

1. Union of India rep. by
   Union Territory of Pondicherry
   through its Chief Secretary
   Govt. of Pondicherry
   Pondicherry.

2. Secretary to Government (Education)
   Department of Education
   Pondicherry.

3. The Secretary
   Medical Council of India
   Kotla Road, New Delhi 2.

4. The Secretary
   Ministry of Heath and Family Welfare
   Nirman Bhavan, New Delhi 11.

   (R.3 & R.4 were impleaded as per
   order of this Court dt.30.09.2003
   made in WPMP.No.33630 of 2003). .. Respondents

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PRAYER:- Petition under Article 226 of the Constitution of India to issue a writ of declaration declaring Pondicherry unaided professional colleges (Admission of Students and Fixation of Fees) Regulations 2002 framed under G.O.Ms.No.123, Chief Secretariat, (Eeucation) Pondicherry dated 31.12.2002 is unconstitutional illegal contrary to the Ruling of Supreme Court ultravires and unenforceable in so far as the Petitioner institution concerned.

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W.P.No.7751/03

Pondicherry Institute of Medical Science
Ganapathy Chettikulam
Kalapet, Pondicherry-14
rep by the Chairman Mr.K.G. George ... Petitioners

VS

1. Union of India rep. by
   Union Territory of Pondicherry
   through its Chief Secretary
   Pondicherry.

2. Secretary to Government (Education)
   Department of Education
   Pondicherry.

3. Chief Secretary to Government (Health)
Department of Health
Government of Pondicherry, Pondicherry

4. The Secretary
   Medical Council of India
   Kotla Road, New Delhi 2.

5. The Secretary
   Ministry of Heath and Family Welfare
   Nirman Bhavan, New Delhi 11.

   (R.4 & R.5 were impleaded as per
    order of this Court dt.30.09.2003
    made in WPMP.No.33631 of 2003). .. Respondents

PRAYER:- Petition under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records of the 3rd respondent in ref.11011/2003/H5/Health dated 5.3.2003 quash the same.

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W.P.No.16898 of 2003

Sri Balaji Educational and Charitable
Public Trust
represented by its Chairman
M.K. Rajagopalan
Mahatma Gandhi Medical College Complex
Pondicherry Cuddalore Main Road,

https://hcservices.ecourts.gov.in/hcservices/

Pillaiyarkuppam,
Pondicherry- 607 402. ... Petitioners

VS

1. Union of India
Ministry of Health and Family Welfare
Department of Health,
represented by the Secretary to the
Government of India,
New Delhi.

2. The Director (Medical Education)
Departmnt of Health
Ministry of Health and Family Welfare
New Delhi.

3. Government of Pondicherry
represented by its Secretary (Education)
Chief Secretariat, Pondicherry

4. The secretary to the Government of
Pondicherry, Health Department
Chief Secretariat, Pondicherry

5. The Convenor, CENTAC/
Convenor JET 2002,
having his office at Pondicherry
Engineering College
Pondicherry. ... RESPONDENTS

PRAYER:- Petition under Article 226 of the Constitution of India to issue a writ of declaration declaring that the order of the Ist Respondent in No.V-11025/1/2003-ME(P.1) dated 14.5.2003 as well as the communication of the 4th Respondent in No.1291/CS(H)/H5/2002 dated 12.6.2003 are invalid, illegal, ultra vires arbitrary unsustainable and unconstitutional in so far as they relate to the educational institutions of the Petitioner. herein.

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W.P.16941/03

Pondicherry Institution of
Medical Science
Ganapathy Chettikulam
Kalapet, Pondicherry-14
rep by the Chairman
Mr. K.V. George. ... Petitioner

Vs

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1. Union of India rep. by Secretary
   Ministry of Health & Family Welfare
     Department of Health
     New Delhi.

2. Union of India rep by
   Union Territory of Pondicherry
   through its Chief Secretary
    Government of Pondicherry
   Pondicherry.

3. Secretary to Government
   Department of Education (Eeucation)
   Pondicherry.

4. The Secretary
   Medical Council of India
   Kotla Road, New Delhi 2.

5. The Secretary
   Ministry of Heath and Family Welfare
   Nirman Bhavan, New Delhi 11.

   (R.4 & R.5 were impleaded as per
    order of this Court dt.30.09.2003
    made in WPMP.No.33632 of 2003). .. Respondents

PRAYER:- Petition under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records of First Respondent in connection with the policy Guidelines framed by the central Government the first respondent vide circular ref.No.V-11025/1/2003-ME (P-I) dated 14.5.2003 and the consequential order passed by the Government of Pondicherry vide Ref.No.1291/CS (H) H5 /2002 dated 12.6.2003 quash the same.

W.P.No.20514 of 2003

Sri Balaji Educational and Charitable
Public Trust
represented by its Chairman
M.K. Rajagopalan
Mahatma Gandhi Medical College Complex
Pondicherry cuddalore Main Road,
Pillaiyarkuppam,
Pondicherry- 607 402. ... Petitioners

VS

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1. The Government of Pondicherry
represented by its Secretary (Health)
Chief Secretariat, Pondicherry

2. The Convenor, CENTAC/
Convenor JET 2003,
having his office at Pondicherry
Engineering College
Pondicherry.

3. The Secretary
Medical Council of India
Kotla Road, New Delhi 2.

4. The Secretary
Ministry of Heath and Family Welfare
Nirman Bhavan, New Delhi 11. .... Respondents

(R.3 & R.4 were impleaded as per
order of this Court dt.30.09.2003
made in WPMP.No.33633 of 2004).

PRAYER:- Petition under Article 226 of the Constitution of India to issue a writ of declaration declaring that the Pondicherry unaided Medical and Dental College and other professional institutions imparting education in Health Sciences (Admission of Students and fixation of fees) Regulations 2003 in particular Regulation Nos.6,7,8,9,14,15,18 etc communicated in G.O.Ms.No.40 Chief Secretariat (Health) dated 7.7.2003 on the file of the 1st respondent are invalid illegal ultra vires unconstitutional in so far as they relate to the educational Institutions of the Petitioner herein.

W.P.No.18197 of 2004

Pondicherry Linguistic and Religious Minority
Medical and Dental Colleges Welfare
Association (Regd.)
Represented by its General Secretary,
M.K. Rajagopalan
S/o. shri M.V. Krishnaswamy
I street, Ashok Nagar, Chennai-83 ... Petitioner

Vs

1. Union of India
Represented by Union Territory of Pondicherry
Through the Chief Secretary
Pondicherry.

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2. Secretary to Government
Education Department
Governemnt of Pondicherry
Pondicherry.

3. Permanent Admission Committee
represented by its Member Secretary
Education Department,
Government of Pondicherry
Pondicherry.

4. Minor ArunKumar
S/o. C. Balakrishnan
rep by Father & Guardian
Mr.C. Balakrishnan ... Respondent
R4 in W.P.M.P.32738/04 in
W.P.18197/04

5. Minor M. Kathiravan
rep by Father & Guardian
MR.G. Meganathan

Minor J. Ranjithkumar
S/o. P. Jambulingam

7. Miss S. Soundarya
D/o. V. Selvam ... Respondent
R5 to R7 in
W.P.M.P.33030/04 in
W.P.18197/04

8. Harini , being Minor
rep by her father and natural Guardian
Mr. S. Krishnamoorthy

9. G. Aarthi,
being Minor rep by her father
and Natural Guardian D. Gurumurthy

10. Priyadharshiny.K.
Pondicherry.

11. Ps. Saranya Arul Mathi
being Minor rep by her
father & Natural Guardian
D. Pannirselvam.

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12. V. Rajkamal
S/o. Veerasamy
Pondicherry

13. B. Anbazhagan
Pondicherry

... Respondents 8 to 13 in
W.P.M.P.32590/2004 in W.P.18197/04

RR4 to 13 Impleaded as pr order of this
Court dated 24.9.2004 in W.P.M.P.32738, 33030
and 32590/04 by KSJ & ZHJ

PRAYER:- Petition under Article 226 of the Constitution of India to issue a writ of certiorarified Mandamus calling for the records of the Second respondent relating to the Pondicherry Unaided professional Colleges and Teacher Training Institutions (Admission of Students and Fixation of fees) Regulations 2004 issued in G.O.Ms.41 dated 29.3.2004 and quash Regulation No.15 and direct the Respondents to fix the Management Quota at 65% in respect of admission to the medical and dental colleges run by the Religious and Linguistic Minorities in the Union Territory of Pondicherry for the academic year 2004-05 and may grant such other reliefs.

W.P.22689 of 2004

Pondicherry Linguistic & Religious
NMinority Medical & Dental colleges
Welfare Association (Regd.)
)Registration NO.120 of 2004)
Mahatma Gandhi Medical College and
Research Institute Complex
Pillaiyarkuppam,
Pondicherry. ... Petitioner

Vs

1. Union of India
rep by Union Territory of Pondicherry
Through its Chief Secretary
Government of Pondicherry
Pondicherry

2. Secretary to Government
Education Department
Government of Pondicherry
Pondicherry.

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3. Permanent Admission Committee
rep by its Member Secretary
Education Department,
Government of Pondicherry
Pondicherry.

4. Medical Council of India
Aiwan - E- Galib Marg
Kotla Road,
Opp. Mata Sundari College(For Women)
New Delhi. 110 002 ... Respondents

PRAYER- Petitions under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order of the third respondent dated 28.6.2004 as modified by the subsequent order dated 26.7.2004 quash the same and direct the respondents to prescribe 60% of seats for all the Medical colleges established by the Members of the Petitioner Association Permitting them to fill up 60% of the seats as Management Quota for the academic year 2004-2005.

For petitioner : Mr. K. Doraisamy,Sr.Counsel
in Wps.5,16898& Mr. Kandavadivel Doraisamy
20514 of 2003.

For petitioner : Mr. T.R. Rajagopalan,Sr.Counsel
in Wps.2323,7751, for Mr. T.R. Rajaraman
16941/03 & 22684
of 2004.

For petitioner : Mr. Sathish Parasaran
in WP.546/2003.

For petitioner : Ms. Kalpareddy
in WP.18197/04

For respondents : Mr. T. Murugesan,
Govt., Pleader (Pondy)
All WPs.

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COMMON ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The learned Government Pleader appearing for Government of Pondicherry reports that all the writ petitions become infructuous and according to him, as on date nothing survives for adjudication. Recording his statement, all the writ petitions are dismissed as infructuous. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Chief Secretary
Union of Territory of Pondicherry
Union of India,
Pondicherry.

2. The Secretary to Government (Education)
Department of Education
Pondicherry.

3. The Chief Secretary to Government
(Health)
Department of Health
Government of Pondicherry, Pondicherry.

4. The Secretary
Medical Council of India
Kotla Road, New Delhi 2.

5. The Secretary
Ministry of Heath and Family Welfare
Nirman Bhavan, New Delhi 11.

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6. The Convenor CENTAC/
Convenor JET 2002
Pondicherry Engineering College,
Pondicherry.

7. The Secretary,
Government of Pondicherry (Education)
Chief Secretariat
Pondicherry.

8. The Convenor CENTAC/
Convenor JET 2003
Pondicherry Engineering College,
Pondicherry.

9.The Member Secretary
Permanent Admission Committee
Education Department,
Government of Pondicherry
Pondicherry.

10. The Medical Council of India
Aiwan - E- Galip Marg
Kotla Road,
Opp. Mata Sundari College(For Women)
New Delhi. 110 002

1 cc to Mrs. P. Kalpa Reddy, Advocate, Sr. 52782
1 cc to Mr. Kandavadivel Doraisamy, Advocate, Sr. 53128
1 cc to Mr. Satish Parasaran, Advocate, Sr. 53393
8 ccs to the Senior Government Pleader (Pondicherry) Sr. Nos. 52653, 52655, 52658, 52661, 52662, 52660, 52656, 52657

W.P.Nos.5 of 2003 etc.,
batch

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